

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 07-0301CCC

1) GABRIEL HERNANDEZ-AYALA, a/k/a

Gabi

2) HECTOR MIGUEL RIVERA, a/k/a Chupi

3) LUIS CHAYANE VAQUERO-AYALA, a/k/a
Chayane

Defendants

ORDER

Co-defendant Gabriel Hernández-Ayala filed on October 20, 2007 a Motion Requesting Leave to Join Motion to Suppress filed by co-defendant Luis Chayane Vaquero-Ayala (**docket entry 70**), more than a month after Vaquero-Ayala's suppression motion (docket entry 41) was filed. The latter is pending an evidentiary hearing before U.S. Magistrate-Judge Vélez-Rivé. Specifically, movant alleges that "[a]ll defendants are being jointly prosecuted and the evidence and circumstances of their arrest, taken (sic) of incriminatory statements and identification process are similar and chronologically related." Motion, at p. 2. Movant's request does not provide sufficient information to allow for identification of common factual scenarios regarding his interrogation and that of defendant Vaquero or their respective line-ups. The mere general reference that the statements of both were involuntary and the line-up suggestive is insufficient for these were separate events and neither Vaquero-Ayala's motion nor Hernandez-Ayala's motion establish a common denominator that could allow for a joint evidentiary hearing.

Hernández-Ayala's deadline for filing suppression motions expired on September 24, 2007 (see docket entry 37). He has provided no explanation for disregarding this time limitation. His motion to join appears to be an attempt to overcome the obstacle of the expired deadline. In doing so, he made little effort to provide an individualized description of his own statements, line-up and factual circumstances surrounding the same that could

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justify allowing him to piggy-back on Mr. Vaquero-Ayala's prior motion. Given his untimely request for joinder, and his generic arguments in support of the same, said motion to join is hereby DENIED.

SO ORDERED.

At San Juan, Puerto Rico, on November 5, 2007.

S/CARMEN CONSUELO CEREZO
United States District Judge